

1 **Approved 12.05.2019**

2 **Nuclear Decommissioning Citizens Advisory Panel (NDCAP)**

3 **Wednesday, October 16, 2019**

4 **Brattleboro Area Middle School Multi-Purpose Room**

5 **109 Sunny Acres Road, Brattleboro, VT**

6 **Meeting Minutes**

7
8 NDCAP Members Present:

- 9 • **June Tierney**, *Commissioner of Public Service, ex officio*
- 10 • **Chris Campany**, *Executive Director of the Windham Regional Commission (WRC), Panel*
- 11 *Chair*
- 12 • **Emily Boedecker**, *Commissioner of Environmental Conservation, designee for the*
- 13 *Secretary of Natural Resources*
- 14 • **Dr. William Irwin**, *Designee for the Secretary of Human Services*
- 15 • **Michael Root**, *Representing the Town of Vernon, VT*
- 16 • **Bob Leach** (Brattleboro), *Citizen Appointee of Governor Phil Scott*
- 17 • **Josh Unruh**, *new Citizen Appointee of Governor Phil Scott (through August 31, 2023)*
- 18 • **Lissa Weinmann** (Brattleboro), *Citizen Appointee of Senate President Pro Tempore Tim*
- 19 *Ashe, Panel Vice-Chair*
- 20 • **Derrik Jordan** (Putney), *Citizen Appointee of Speaker of the House Mitzi Johnson*
- 21 • **Corey Daniels**, *Senior ISFSI Manager, NorthStar Vermont Yankee*
- 22 • **David Pearson**, *Vice-President and Regional Manager, NorthStar Group Services*
- 23 • **VT State Senator Mark MacDonald**, *Member of the Senate Committee on Natural*
- 24 *Resources & Energy*
- 25 • **VT State Representative Laura Sibilio**, *Member of the House Committee on Energy &*
- 26 *Technology*

27
28 The following NDCAP members were connected to the meeting via teleconference:

- 29 • **Bob Gustafson**, *Assistant Planning Chief, Radiological Emergency Preparedness, New*
- 30 *Hampshire Emergency Management and Homeland Security, representing the Towns of*
- 31 *Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, NH, interim appointee of*
- 32 *the NH Governor's Office*

33
34 The following NDCAP members were absent from the meeting:

- 35 • **MA State Representative Paul W. Mark** (Peru, MA), *representing the Towns of*
- 36 *Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts,*
- 37 *appointee of (former) MA Governor Deval Patrick*
- 38 • **VT State Representative Sara Coffey** (Guilford), *Citizen Appointee of Speaker of the*
- 39 *House Mitzi Johnson*

40 Three positions on the Panel are currently vacant.

1 The meeting was called to order at 6:05 PM; a video recording of the meeting is available online
2 at <http://publicservice.vermont.gov/electric/ndcap> and at
3 [https://www.brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel/vt-ndcap-](https://www.brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel/vt-ndcap-101619-mtg)
4 [101619-mtg](https://www.brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel/vt-ndcap-101619-mtg).
5

6 **Welcome, Opening Remarks & Overview of Meeting Agenda:**

7 The Chair, Chris Campany, welcomed everyone for the meeting and indicated that because one
8 Panel member was connected via teleconference, roll call votes would need to take place when
9 necessary.
10

11 **Amendments to the Meeting Agenda:** No additions to the meeting agenda were discussed or
12 made.
13

14 **Introduction of Panelists:** Panel members briefly introduced themselves.
15

16 **Approval of Meeting Minutes:** Draft meeting minutes for the Panel's May 20, 2019 meeting
17 were reviewed and approved by roll call vote as noted below:
18

19 Emily Boedecker, Yea
20 Chris Campany, Yea
21 Corey Daniels, Yea
22 Bob Gustafson, Yea
23 Bill Irwin, Yea
24 Derrik Jordan, Yea
25 Bob Leach, Yea
26 Mark MacDonald, Abstain
27 David Pearson, Yea
28 Michael Root, Yea
29 Laura Sibilia, Abstain
30 June Tierney, Yea
31 Josh Unruh, Yea
32 Lissa Weinmann, Yea
33

34 **VT Agency of Natural Resources (ANR) Decommissioning update:**

35 Panel member and Commissioner of Environmental Conservation (DEC) Emily Boedecker
36 presented a summary of State environmental permitting required for Vermont Yankee's current
37 Decommissioning and demolition activities and discussed the timelines for DEC to review
38 several permit applications filed by NorthStar for upcoming decommissioning and demolition
39 work. DEC's draft permits (in response to the NorthStar filings) will be posted for 30 days on
40 DEC's Environmental Notice Bulletin for public comments. Boedecker also summarized DEC's
41 review to date of the non-radiological site characterization report filed on behalf of NorthStar
42 on July 11. The report has been reviewed by Haley & Aldrich (NorthStar's environmental
43 consultant, who filed the report), ATC Group Services (DEC's environmental consultant for
44 Vermont Yankee clean-up) and DEC Staff. Comments on the report have been minor so far, but

1 additional investigation continues. On site hazmat sampling conducted to date was also
2 described along with initial planning for follow-up sampling.

3
4 The slides for this presentation are available at:
5 <http://publicservice.vermont.gov/electric/ndcap>

6
7 Several Panelist questions requested further details on the sampling process thus far. In
8 response, Commissioner Boedecker outlined the process under which split samples are
9 evaluated by both Haley & Aldrich and ATC, as well as how the initial sampling locations were
10 chosen. In response to an additional question regarding the impact of the new groundwater
11 intercept wells on intrusion water leakage onsite, it was noted that some future contaminated
12 groundwater shipments would still be necessary. Pumping from the intercept wells shows
13 significant promise but has yet to be fully implemented.

14
15 **Vermont Department of Public Service on the Vermont Yankee Decommissioning Update:**

16 Panel Member and Commissioner of Public Service June Tierney presented an update on Public
17 Service Department activities regarding Vermont Yankee decommissioning. The department
18 remains in close contact with NorthStar and makes sure that reporting protocols set in place
19 (from the VT PUC ruling in the NorthStar Vermont Yankee purchase case) are followed. A
20 summary of the onsite activities under Departmental observation was provided. Financial
21 summaries for the Nuclear Decommissioning Trust (NDT), the Site Restoration Trust (SRT) and
22 disbursements from these Trusts was also shared.

23
24 The slides for this presentation are available at:
25 <http://publicservice.vermont.gov/electric/ndcap>

26
27 Panelist questions focused on what determined whether a decommissioning expense could be
28 paid from the NDT versus what could be paid from the SRT. Commissioner Tierney noted NDT
29 expenses primarily related to clean-up of Vermont Yankee's "power block" buildings (i.e. the
30 Reactor and Turbine Buildings). The SRT covered more general site clean-up expenses. State
31 Nuclear Engineer Tony Leshinskie added that the Public Service Department does have staff
32 that tracks which expenses are paid from which funds.

33
34 **Vermont Department of Health Update:**

35 Panel member Dr. Bill Irwin, designee for the Agency of Human Services (which includes Vermont
36 Department of Health), gave a verbal summary of the Health Department's current oversight of
37 Vermont Yankee decommissioning activities. At this stage, Health's primary focuses are the
38 ongoing asbestos abatement tasks and the radioactive waste shipments leaving the Vermont
39 Yankee site. Additional onsite activities will be reviewed as decommissioning moves forward.

40
41 Panelist questions focused on what extent radiation levels at Vernon Elementary School are
42 known. Bill Irwin reported that the school has been under continuous monitoring since 1972
43 (when Vermont Yankee began producing electricity). The results of this monitoring are

published annually on the Department of Health’s website. The methods used for this monitoring program were also described.

NorthStar Update on VY Site Decommissioning Status Update:

Panel Member Corey Daniels, NorthStar Senior ISFSI (spent fuel storage) Manager at Vermont Yankee, presented a summary of recent site decommissioning activities. This summary focused on completed portions of the ongoing reactor vessel segmentation tasks, dismantling of the site’s former steam turbine, rail spur enhancements for facilitating radioactive waste shipments and the demolition of VY’s cooling towers over the summer. The critical path for the decommissioning project remains the reactor vessel segmentation tasks.

The slides for this presentation are available at:
<http://publicservice.vermont.gov/electric/ndcap>

These slides consist primary of photos of recent decommissioning activities. An embedded video is included in this presentation, which was played during the presentation. This video may be viewed at <https://www.youtube.com/watch?v=S0Vm4MPCGqs> or through the presentation copy at <http://publicservice.vermont.gov/electric/ndcap>.

There were no Panelist questions in response to NorthStar’s presentation.

Chris Campany noted that there was some “white noise” in the meeting room due to heavy rain occurring outside. Panelists and members of the public were reminded that they can ask people to speak up or repeat something when a statement is not clear.

Congressional Delegation Update on Decommissioning Related Legislation:

Haley Pero, Public Outreach Liaison for Senator Bernie Sanders provided a verbal update on the recent bills proposed in Congress that, if enacted, would impact the overall decommissioning process. All the decommissioning-related bills introduced in this Congressional session are bills that had been introduced in prior sessions. These bills remain in Committee. Bills that were sponsored by Senator Sanders or Vermont Congressman Peter Welch were identified.

Haley also noted that the Trump Administration’s budget bill for FY2020 includes funding for the restart of Yucca Mountain licensing efforts; the Congressional FY2020 budget bills do not. Anyone interested in more information on any of these bills, including their text, can contact Haley for additional information. Haley also noted that the Nuclear Regulatory Commission’s ongoing Decommissioning Rulemaking effort remains on-target for Commission Approval in October 2021.

Questions from the Panel noted whether any of the bills would support reducing (i.e. result in more-stringent) radiological site release standards. Haley agreed to check on this and get back to the Panel. A second Panel question inquired whether private interim (spent fuel) storage facilities were even legal. Haley deferred on answering this question, citing the ongoing legal debate on this question.

1
2 **Public Comments on State, NorthStar and Congressional Delegation Reports**

3 No public comments were provided at this time.
4

5 The Panel took a short recess and reconvened at 7:26 PM.
6

7 **Early General Public Comments:**

8 No general public comments were provided.
9

10 **VT NDCAP Submittal to NRC Summarizing History of the Panel:**

11 Led by (State Nuclear Engineer) Tony Leshinskie, the Panel discussed potential changes to the
12 document summarizing the history of VT NDCAP. Tony noted that he had made several
13 changes to the draft circulated to the Panel prior to the NRC's meeting in Brattleboro
14 (September 10; this version of the Panel summary is available online at
15 <https://publicservice.vermont.gov/electric/ndcap> in the "Issues Committee Meeting of July 24,
16 2019" section). The changes clarified descriptions of several past and present Panel members
17 and corrected a statement about VT NDCAP replacing a previous panel, VSNAP (the Vermont
18 State Nuclear Advisory Panel). A new item noting that multiple public comment periods are
19 typically included in meeting agendas was added.
20

21 During Panel discussion, Mark MacDonald asked several questions regarding the extent to what
22 extent VSNAP was discussed. Tony Leshinskie replied that the summary document focused on
23 VT NDCAP. It only notes the prior existence of VSNAP and that VT NDCAP replaced it.
24

25 A motion to send the VT NDCAP Panel History Summary to the NRC as newly edited was
26 approved by roll call vote as below:
27

28 Emily Boedecker, Yea
29 Chris Campany, Yea
30 Corey Daniels, Abstain
31 Bob Gustafson, Yea
32 Bill Irwin, Yea
33 Derrik Jordan, Yea
34 Bob Leach, Yea
35 Mark MacDonald, No
36 David Pearson, Yea
37 Michael Root, Yea
38 Laura Sibilia, Yea
39 June Tierney, Yea
40 Josh Unruh, Yea
41 Lissa Weinmann, Abstain
42

43 The approved document is available online at <https://publicservice.vermont.gov/electric/ndcap> (in
44 the "Meeting of October 16, 2019" section).

1
2 **Proposed Changes to the Panel Composition and Enabling Statute for Panel Discussion:**

3 Potential changes to the Panel's membership, duties and administration were then opened for
4 discussion. The Panel's Issues Committee had previously met on July 24 to compile ideas for
5 potential Panel changes to be discussed at the next (and possibly the next several) meetings of
6 the full Panel. Three documents resulted from the July Issues Committee meeting:

-
- 7 • A "Potential VT-NDCAP Changes for 2019-10-16 Discussion" document summarizing the
8 ideas suggested at the Issues Committee meeting
9 • A "Draft NDCAP Enabling Statutes Changes" mark-up document, and
10 • A "Draft NDCAP Charter Changes" mark-up document.

11
12 These documents are available online at <https://publicservice.vermont.gov/electric/ndcap>.

13
14 The Panel was unable to discuss all topics included in these change documents. Discussion
15 focused on the following items:

- 16
17 • The need for additional Town of Vernon representation on the Panel.
18 • Whether the Panel's duties should include discussing economic redevelopment of the
19 Vermont Yankee site and the economic impacts of the plant closure generally (which are
20 not currently defined duties in the Legislation that established the Panel).
21 • Potential elimination of the State Agency of Commerce and Community Development
22 (ACCD) representation on the Panel. (A similar brief discussion regarding IBEW
23 representation also occurred.) Adding local economic development agencies in lieu of
24 ACCD representation was suggested.
25 • The need for changes in the Panel's funding source. (The Panel is currently funded by the
26 Public Service Department's general budget; there is no specific budgetary allocation for
27 the Panel.)

28
29 A motion proposing that the currently vacant Agency of Commerce and Community
30 Development and IBEW positions be changed to allow additional Town of Vernon
31 representation on the Panel. After further Panel discussion, this motion was withdrawn due to
32 concern that potential votes for changing Panel composition were not warned for tonight's
33 meeting.

34
35 A motion for the Issues Committee to provide more well-defined recommendations for the four
36 topics identified above at the next meeting of the full Panel was approved by roll call vote as
37 below:

38
39 Emily Boedecker, Yea
40 Chris Campany, Yea
41 Corey Daniels, Yea
42 Bob Gustafson, Yea

1 Bill Irwin, Yea
2 Derrik Jordan, Yea
3 Bob Leach, Yea
4 Mark MacDonald, Yea
5 David Pearson, Yea
6 Michael Root, Yea
7 Laura Sibilila, Yea
8 June Tierney, Yea
9 Josh Unruh, Yea
10 Lissa Weinmann, Yea
11

12 **Public Comments on Panel Composition and Enabling Statute:**

13 During this time Tony Leshinskie read a message from **MA State Representative Paul W. Mark**
14 *(representing the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and*
15 *Warwick, Massachusetts)*. Representative Mark is willing to continue serving on the Panel as
16 the Massachusetts representative until such time as MA Governor Baker appoints a
17 replacement. June Tierney indicated that she will gather more information about this situation
18

19 No other public comments were provided at this time.
20

21 **Election of New Panel Officers:**

22 Chris Campany noted that when he was elected Panel Chair in September 2018, he indicated
23 that he could serve for one year. While he will continue as Windham Regional Commission's
24 representative on the Panel, he was not seeking reelection as Panel Chair.
25

26 The following Panelists were nominated as Panel Chair:
27

28 Josh Unruh
29 Sara Coffey
30 Corey Daniels
31

32 Josh Unruh accepted his nomination. Chris Campany expressed concern about the nomination
33 of Sara Coffey, as she was not present to accept or decline the nomination and that it is
34 generally good practice not to nominate candidates in absentia. He also noted that she had
35 indicated to him that she was not interested in becoming Panel Chair. Corey Daniels declined
36 his nomination.
37

38 A motion to elect Josh Unruh as Chair was approved by roll call vote as below:
39

40 Emily Boedecker, Yea
41 Chris Campany, Yea
42 Corey Daniels, Abstain
43 Bob Gustafson, Yea
44 Bill Irwin, Yea

1 Derrick Jordan, Yea
2 Bob Leach, Yea
3 Mark MacDonald, Yea
4 David Pearson, Yea
5 Michael Root, Yea
6 Laura Sibilila, Yea
7 June Tierney, Yea
8 Josh Unruh, Abstain
9 Lissa Weinmann, No

11 The following Panelists were nominated as Panel Vice-Chair:

12 Bob Leach
13 Chris Company
14 Lissa Weinmann

16 Bob Leach and Lissa Weinmann accepted their nominations. Chris Company declined his nomination.

19 A vote to elect Lissa Weinmann or Bob Leach as Panel Vice-Chair was held by roll call as below:

21 Emily Boedecker, - Lissa
22 Chris Company, - Abstain
23 Corey Daniels, - Abstain
24 Bob Gustafson, - Lissa
25 Bill Irwin, - Lissa
26 Derrick Jordan, - Lissa
27 Bob Leach, - Bob
28 Mark MacDonald, - Lissa
29 David Pearson, Bob
30 Michael Root, - Bob
31 Laura Sibilila, - Lissa
32 June Tierney, - Lissa
33 Josh Unruh, - Bob
34 Lissa Weinmann, - Lissa

36 Lissa Weinmann was reelected as Panel Vice-Chair.

38 **GENERAL PUBLIC COMMENTS TO THE PANEL**

39 Clay Turnbull of New England Coalition inquired about a comment he read in news reports covering the recent (September 10, 2019) NRC meeting. A comment attributed to a member of the Panel indicated that the Panelist would seek to abolish the Panel. Josh Unruh indicated that the report was not accurate.

1 **SCHEDULING NEXT MEETING**

2 The Panel discussed possible dates for a November meeting. However, by consensus,
3 December 5, 2019 was chosen as the next meeting date. An Issues Committee meeting will be
4 held prior to the December 5 meeting that will discuss the proposed Panel Composition and
5 Enabling Statute changes that were returned for Issues Committee consideration. The date,
6 time and location of this Issues Committee meeting will be determined by polling committee
7 members for their availability.

8
9 **WRAP-UP AND AJOURN**

10 Thanks were given to Tony Leshinskie and Chris Campany for their hard work for the Panel.

11
12 **Next meeting:** December 5, 2019 at a site to be determined in the Brattleboro / Vernon, VT
13 area.

14
15 **MEETING ADJOURNED AT 8:52 PM**
